

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

JAKEEM EASON,

Plaintiff,

v.

UNKNOWN SUMMIT, et al.,

Defendants.

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No. 1:23-cv-00142-CDP

MEMORANDUM AND ORDER

This matter is before me upon review of the file. On or about August 18, 2023, Plaintiff Jakeem Eason instituted this action by filing a civil complaint and a motion seeking leave to proceed in forma pauperis. I granted Plaintiff's motion and assessed an initial partial filing fee, and reviewed the complaint pursuant to 28 U.S.C. § 1915(e). As fully explained in my October 17, 2023 Order (ECF No. 7), I determined the complaint was defective and subject to dismissal, and gave Plaintiff the opportunity to file an amended complaint to cure the defects. In that Order, I clearly explained why the complaint was subject to dismissal, gave Plaintiff clear instructions about how to prepare the amended complaint, and cautioned Plaintiff that his failure to timely file an amended complaint could result in the dismissal of his case without prejudice and without further notice. I also directed Plaintiff to pay an initial partial filing fee.

Plaintiff had until November 16, 2023 to file an amended complaint. To date, however, he has neither filed an amended complaint, nor sought additional time to do so. Plaintiff was given meaningful notice of what was expected, cautioned that his case would be dismissed if he failed to timely comply, and given additional time to comply. Therefore, this action will be dismissed without prejudice due to Plaintiff's failure to comply with the October 17, 2023 Order and his

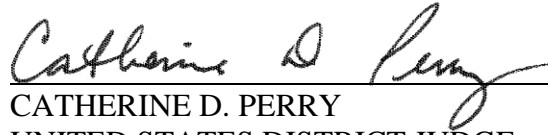
failure to prosecute this case. *See* Fed. R. Civ. P. 41(b); *see also Brown v. Frey*, 806 F.2d 801, 803 (8th Cir. 1986) (“A district court has the power under Fed. R. Civ. P. 41(b) to dismiss an action for the plaintiff’s failure to comply with any court order[.]”); *Dudley v. Miles*, 597 F. App’x 392 (8th Cir. 2015).

Accordingly,

IT IS HEREBY ORDERED that this case is **DISMISSED** without prejudice. A separate order of dismissal will be entered herewith.

IT IS HEREBY CERTIFIED that an appeal from this dismissal would not be taken in good faith.

Dated this 11th day of December, 2023.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE